IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.1927 of 2007

Hemant Madhav Waghmode ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr M. B. Zanwar for the Applicant.

Mr K. V. Saste, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 12TH JULY, 2007.

P.C.:-

1. Heard learned Advocate for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail in C.R. No. 5 of 2007 registered with Baramati Taluka Police Station mainly under Section 302 r.w.s. 34 of the I.P.C. The Court of Session Baramati in Bail Application No. 59 of 2007 vide order dated 19.4.2007 released on bail the co-accused Shashikant Waghmode and Madhav Waghmode, whereas the other co-accused Vaibhav Uttam Waghmode was released on bail in Criminal Application No. 902 of 2007 vide order dated 4.4.2007 of this Court.

4. The role played by the present applicant, Hemant Madhav Waghmode, is similar to that of co-accused Vaibhav, Shashikant and Madhav. Prosecution case is that Hemant with others gave stick blow on the head of deceased Achut, whereas Deepak Madhav Waghmode, during the scuffle, gave sword blow on the head of the deceased Achut which was fatal. Similarly, the present applicant gave a stick blow on the head of the deceased Achut. Under these circumstances, considering the above aspects, role played by the applicant in commission of the offence is identical with that of the role played by the other co-accused and therefore on the ground of parity, I am inclined to grant bail to the present applicant on the following terms and conditions.

a] the applicant Hemant Madhav Waghmode be released on bail in the sum of Rs. 25,000/-.

b] the applicant shall report to Baramati Taluka Police Station once in a

week till conclusion of the trial.

c] the applicant shall not pressurise prosecution witnesses and that he shall co-operate the Investigating agency, if required.

d] the applicant shall not visit Malegaon, Shivnagar, Waghmode Vasti, tal.Baramati, Dist.Pune till conclusion of the trial.

5. The application is allowed in the above terms.

(V.C. DAGA,J.)